

ORDINANCE NO. 2009 -

AN ORDINANCE REVISING STANDARDS FOR TWO-FAMILY DWELLINGS, THEREBY AMENDING CHAPTERS 14, 19 AND 21 OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 14 of the City Code is hereby amended by deleting those words that are contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 14

LICENSES AND PERMITS

Article VI. HOUSING LICENSES AND REGULATIONS

Division B. Rental Room(s) in Single-Family Dwelling Units

Section 14.522. DEFINITIONS.

The following words and terms, when used in this Division shall have the following meanings, unless the context clearly indicates otherwise:

Dwelling - one (1) or more rooms ~~[arranged]~~ designed for residential use by a single family [and physically separated from any other rooms or dwelling units which may be in the same structure] that contain cooking, living, sanitary and sleeping facilities and that are physically separated from any other dwelling units in the same structure. Types of dwellings are as follows:

- (1) **Dwelling, single-family** - a ~~[residential]~~ building ~~[containing one (1) dwelling unit]~~ designed or used for residential occupancy by one family with or without an [and any] approved Accessory Dwelling Unit.
- (2) **Dwelling, two-family** - a ~~[residential]~~ building ~~[containing two (2) attached dwelling units but not including Accessory Dwelling Units]~~ designed or used for residential occupancy by two families in separate dwelling units fully separated by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both units, including both duplexes and double bungalows but not including Accessory Dwelling Units.
- (3) **Dwelling, multiple-family** - a building or portion thereof designed or used for residential occupancy by three or more families in separate dwelling units [containing three (3) or more dwelling units].

Section 2. That Chapter 19 of the City Code is hereby amended by deleting those words that are contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 19

ZONING

ARTICLE III. ZONING DISTRICT MAP, ZONING DISTRICTS AND DISTRICT USES

SEC. 19.03. DEFINITIONS.

~~[Dwelling - Any building or any portion thereof which is not an "Apartment House" or a "Hotel" as defined in the Building Code, Chapter 15, which contains one or more "Apartments" or "Guest Rooms" used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied, or which are occupied for living purposes. Single-family, two-family and multiple-family dwellings are as follows:~~

- ~~(A) Dwelling, single-family. A residential building containing one dwelling unit and any approved Accessory Dwelling Unit.~~
- ~~(B) Dwelling, two-family. A residential building containing two attached dwelling units but not including Accessory Dwelling Units.~~
- ~~(C) Dwelling, multiple-family. A building or portion thereof containing three or more dwelling units.]~~

Dwelling - one or more rooms designed for residential use by a single family that contain cooking, living, sanitary and sleeping facilities and that are physically separated from any other dwelling units in the same structure. Types of dwellings are as follows:

- (A) Dwelling, single-family - a building designed or used for residential occupancy by one family with or without an approved Accessory Dwelling Unit.
- (B) Dwelling, two-family - a building designed or used for residential occupancy by two families in separate dwelling units fully separated by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both units, including both duplexes and double bungalows but not including Accessory Dwelling Units.
- (C) Dwelling, multiple-family - a building or portion thereof designed or used for residential occupancy by three or more families in separate dwelling units.

Dwelling unit - One or more rooms [arranged] designed for residential use by a single family that contain[ing] cooking, living, sanitary and sleeping facilities and that are physically separated from any other [rooms of] dwelling units [which may be] in the same structure.

SEC. 19.27. SINGLE-FAMILY RESIDENTIAL (R-1A, R-1) DISTRICTS.

(b) Permitted uses -

- (8) Two-family dwellings in the R-1 District.

(d) Conditional uses -

- (22) Reserved. [Two family or double bungalow type dwellings.]

(f) Special Provisions -

(6) Private Garages for Single ~~and Two~~ Family Dwellings.

SEC. 19.27.01. LARGE LOT SINGLE FAMILY RESIDENTIAL DISTRICT RS-1.

(b) **Uses.**

(3) Conditional Uses -
A. Reserved. ~~[Two-family dwellings.]~~

(d) **Dimensional Requirements.**

(2) Reserved. ~~[Dimensional Requirements: Two-Family Dwellings~~

- A. ~~Minimum lot area:~~ 27,000 square feet
- B. ~~Minimum lot width:~~ 120 feet
- C. ~~Minimum setbacks:~~
 - i. ~~Front:~~ 30 feet or as required in Section 19.42(a), whichever is greater
 - ii. ~~Side:~~
 - (1) ~~One-story structure:~~ 10 feet
 - (2) ~~Two-story structure:~~ 15 feet
 - (3) ~~Attached garage:~~ 5 feet
 - iii. ~~Rear:~~ 30 feet
 - iv. ~~Side or rear adjacent to street:~~ 30 feet or as required in Section 19.42(a), whichever is greater
- D. ~~Maximum structure height: Regulated pursuant to Section 19.47 of this Code.]~~

(f) **Special Provisions -**

(1) General -

H. Private Garages for Single ~~[and Two]~~ Family Dwellings.

ARTICLE III. ZONING DISTRICT MAP, ZONING DISTRICTS AND DISTRICT USES

SEC. 19.41. MINIMUM DISTRICT REQUIREMENTS.

(b) ~~[Two-family and]~~ **M[m]ultiple-family residences**

(1) Minimum Floor Area Per Unit.

~~[(A) Two-family:~~

Three bedroom unit 1,040 square feet

~~Two bedroom unit 960 square feet~~

~~Credit of 120 square feet shall be given for an attached garage.]~~

~~[(B)]~~ (A) Multiple-family:

Apartments and Condominiums

Efficiency units 400 square feet

One bedroom 650 square feet

Two bedroom 800 square feet

Three or more bedrooms 950 square feet

Row Houses, Townhouses and other attached dwelling units of a similar nature

One bedroom 750 square feet

Two bedroom 900 square feet

Three bedroom 1,040 square feet

Garages, breezeway, and porch floor area shall not be credited in determining the required floor area.

(2) Minimum Land Area Requirements.

(A) Basic minimum for development:

~~[Two-family 15,000 square feet~~

Other 18,000 square feet]

(4) Minimum Row House Unit or Lot Width. 16 feet

~~[Minimum Two-Family Lot Width. 100 feet or as required in Section 19.42(h), whichever is greater]~~

(5) ~~Reserved. [Except for garages, the side-yard setback of a two-family residence shall in no event be less than five feet less than the height of the structure as determined in Section 19.47(b)(3).]~~

(6) ~~Reserved. [The City Council may approve the subdivision of two-family dwellings and the lot upon which the two-family dwelling is located or is proposed to be constructed to allow separate ownership of each half of the two-family unit provided the following criteria are complied with:~~

~~(A) Each of the lots created by the subdivision will be equal in area or as near equal in area as is reasonably possible.~~

~~(B) Each lot so created shall contain no less than 1/2 the minimum land area requirement for a two-family dwelling.~~

~~(C) Except for setbacks along the common property line, all other setback and yard requirements shall be met.~~

(D) ~~The subdivision of the lot shall be accomplished by plat in accordance with the subdivision regulations of the City Code including required public hearings for plat approval.]~~

ARTICLE V. PREFORMANCE STANDARDS

SEC. 19.52. LANDSCAPING AND SCREENING.

(b) Landscape Plans.

- (1) Except for single ~~and two~~ family uses, a landscape plan must be submitted:
 - (A) With any application for new development;
 - (B) With any application for additions or modifications to existing development that physically impacts existing landscaping or screening; or
 - (C) When changes are made to an existing landscaping or screening plan on file with the City.

Section 3. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 21

ZONING AND LAND DEVELOPMENT

ARTICLE III. DEVELOPMENT STANDARDS

Division A. General Standards

SEC. 21.301.06. PARKING AND LOADING.

(d) Number of off-street parking spaces required.

MINIMUM OFF-STREET PARKING REQUIREMENTS	
RESIDENTIAL	
Single Family {& Two Family}	Four spaces per dwelling unit, two of which are within a garage or area that could be occupied by a garage
<u>Two Family</u>	<u>Four spaces per dwelling unit, two of which are within a garage</u>

Division B. Use Standards

SEC. 21.302.04. TWO-FAMILY DWELLINGS.

- (a) **Purpose.** The following standards are intended to accommodate two-family dwellings within predominantly single family dwelling areas while protecting the public health, safety, and general welfare of the community.
- (b) **Review and Approval.** Two-family dwellings must receive either final site and building plan approval or final development plan approval prior to issuance of a building permit.
- (c) **Standards.**
 - (1) Zoning District. Two-family dwellings must be located within the R-1 or R-4 residential zoning districts.
 - (2) Site Size. Two-family dwellings sites must have an area of at least 15,000 square feet for interior lots and 18,000 square feet for corner lots.
 - (3) Site Width. Two-family dwelling sites must be at least 100 feet in width for interior lots and 120 feet in width for corner lots and must meet the prevailing width requirements of City Code Section 19.42 (h).
 - (4) Setbacks. Two-family dwelling garage and living space must meet the following minimum setback requirements from property lines:
 - (A) Front – 50 feet
 - (B) Side Adjacent to Street – 50 feet
 - (C) Side Not Adjacent to Street – 10 feet
 - (D) Rear – 30 feet
 - (5) Floor area. Two-family dwellings must have at least 960 square feet of living area per unit.
 - (6) Garages. Two-family dwellings must have at least two attached garage spaces per unit. Two-family dwelling garages must be at least 484 square feet per unit and must not exceed 900 square feet per unit. When a two-family dwelling is on a corner lot adjacent to two local streets as classified by the Comprehensive Plan, the garage for each unit must face a separate street. The height of the garage must not exceed the height of the two-family dwelling. Garage door openings, measured from the floor to the trim covering the door header must not exceed eight feet in height.
 - (7) Garage Frontage. Two-family dwelling garage width facing a public or private street is limited to 60 percent of the structure width facing the same street.
 - (8) Height. Two family dwelling structure height must meet the height limits of City Code Section 19.47.
 - (9) Landscaping. Two-family dwellings must submit a landscape plan prior to building permit issuance that includes at least two trees per unit located within the front yard and at least one shrub per 1,000 square feet of developable Landscaping Area as defined in City Code Section 19.52 (c) (2) (C).
 - (10) Recreational Vehicles. Recreational vehicles on two-family dwelling unit sites must meet the requirements of City Code Section 19.50.03 and are limited to one recreational vehicle per unit stored outside.
 - (11) Storage. See City Code Section 19.50 (a) for storage requirements.
 - (12) Accessory Buildings. Accessory buildings on two-family dwelling sites are limited to one per unit, must not exceed 120 square feet per building and must meet the standards of City Code Section 19.50.02.
 - (13) Attachment Required. The two units in a two-family dwelling must have a common wall of at least 10 feet in length or be oriented in an over/under relationship.
 - (14) Home Enterprises. Home occupations are allowed within two-family dwelling units subject to the standards of City Code Section 19.63.09. Home businesses are not allowed within two-family dwelling units.
 - (15) Utilities. Two-family dwellings are prohibited on sites not served by municipal sewer and water. Utility connections must satisfy the requirements of City Code Sections 11.12 and 11.34.
 - (16) Subdivision. The City Council may approve the subdivision of two-family dwellings and the lot upon which the two-family dwelling is located or is proposed to be constructed to allow separate ownership of each unit of the two-family dwelling subject to the following standards:

- (A) Each of the lots created by the subdivision must be equal in area or as near equal in area as is reasonably possible;
 - (B) Each lot so created must contain at least one half of the minimum land area requirement for a two-family dwelling;
 - (C) Except for setbacks along the common property line, all other setback and yard requirements must be met;
 - (D) The subdivision of the lot must be accomplished by plat in accordance with the subdivision regulations of the City Code including required public hearings for plat approval;
 - (E) A maintenance agreement must be recorded with Hennepin County for each parcel created that contains an agreement by each property owner to:
 - (i) continually maintain all portions of the building's exterior with materials and finish that are accepted by the Minnesota State Building Code as appropriate to the application and the location;
 - (ii) use matching exterior materials on the entire building with respect to material type, color and texture;
 - (iii) properly maintain the approved landscaping plans, screening plans and any approved stormwater management plan for the properties; and
 - (iv) provide adequate maintenance and repair of all common walkways, driveways, and, if allowed, common sewer and water facilities; and
 - (F) All outstanding violations of the City Code, if any, must be corrected prior to approval of the final plat by the City or a surety (cash, bond or letter of credit) must be deposited with the City to assure correction.
- (17) Building Code Compliance. Two-family dwellings must meet current Minnesota State Building Code provisions, including but not limited to fire resistance and sound insulation standards between units.
- (18) Stormwater. To mitigate the impacts of increased stormwater runoff rates and volume, two-family dwellings must meet the following stormwater standards:
- (A) Erosion control plans must be approved by the City Engineer prior to issuance of a building permit;
 - (B) Impervious surface area must not exceed 45 percent of the two-family dwelling site area; and
 - (C) If impervious surface area exceeds 35 percent of the two-family dwelling site area, stormwater management plans must be approved by the City Engineer prior to issuance of a building permit. Such plans must demonstrate rate and volume control for runoff generated by impervious surface area beyond 35 percent of the two-family dwelling site area.

Passed and adopted this _____ day of _____, 2009.

Mayor

ATTEST:

Secretary to the Council

APPROVED:

City Attorney